

**MINUTES OF THE MEETING
OF THE
BOARD OF NURSING
August 10 and 11, 2005**

Call to Order

Marcy Echternacht, President, called the meeting of the Nebraska Board of Nursing to order at 1:05 p.m., August 10, 2005, at the Staybridge Conference Center, 2701 Fletcher, Lincoln, Nebraska. Copies of the agenda were sent to Board members, news media and other interested persons, and posted.

Roll Call

The following members were present:

Marcy Echternacht, RN, President
Mary Megel, RN, Vice-President
Jacqueline Ross, RN, Secretary
Joyce Bunger, public member
Iris Winkelhake, RN
Mary Bunger, RN

The following members were absent:

Valerie Fredericksen, RN
Deanna Lloyd, LPN
Nancy Gondringer, RN
Sandra Mann, public member

A quorum of the Board was present and the meeting convened. Also present from the Credentialing Division was Charlene Kelly, RN, Executive Director; Sheila Exstrom, RN, Nursing Education Consultant; and Karen Bowen, Nursing Practice Consultant and Helen Meeks, Division Director. Present from the Attorney General's office was Terri Nutzman, Assistant Attorney General. Present from the Regulatory Analysis and Integration Division was Kay Pinkley. Present from the Administrative Services Division was Dave Montgomery. Present from the Board of Health was Linda Lazure.

Review of Agenda

The board reviewed the agenda.

1. J. Bunger made the motion seconded by Megel **that the board adopt the agenda as printed and distributed**

Voting Aye: Echternacht, Megel, Ross, M. Bunger, J. Bunger and Winkelhake.
Voting Nay: none. Abstain: none. Absent: Gondringer, Fredericksen, Mann and Lloyd. Motion carried.

Review of the Minutes

The board reviewed the July 14, 2005 minutes.

2. M. Bunger made the motion seconded by Megel **that the board approve the minutes of the July 14, 2005 Board of Nursing meeting as corrected.**

Voting Aye: Echternacht, Megel, Ross, M. Bunger, J. Bunger and Winkelhake.
Voting Nay: none. Abstain: none. Absent: Gondringer, Fredericksen, Mann and Lloyd. Motion carried.

Proposed Changes to UCA and the Nursing Statutes

Helen Meeks provided an overview of proposed changes to the Uniform Credentialing Act (UCA – previously Uniform Licensure Law (ULL)). The changes are being proposed to implement recommendations of the Nebraska Credentialing Reform Project. This project resulted in 144 recommendations to achieve uniformity and identify commonalities for public protection. Many of the changes proposed for UCA will not be a change for nursing because nursing is currently only under UCA for discipline. The changes listed below that are preceded by an asterisk represent a change for nursing.

Issuance

- Licenses would not be required to display their license, but proof of licensure must be provided upon request.
- Licenses would be issued by examination or endorsement, not by reciprocity.

Renewal

- Expiration dates would be removed from the statutes, but would be in the regulations
- All renewals would be biennial.
- *Licenses not renewed would expire instead of being revoked for non-payment. (Nursing licenses currently lapse if they are not renewed.)
- Inactive status would be retained.
- Illness would not be a basis for a continuing education waiver. The only bases would be licensure within the previous 24 months and military service. Other bases could be stipulated in regulations for a particular profession.

Reinstatement

- Eliminate distinction between reinstatement after one or two years.
- The board would recommend to the department on reinstatements and any appeal would be to the agency instead of to the board.

- *Reinstatements would have to meet continuing competency requirements. (Nursing reinstatement applicants currently only need to meet the practice requirement.)

Boards

- All Board appointments would be made by the Board of Health.
- *Boards of 10 or more members would be required to have three public members.
- *The requirements for public member on boards will change.

Role of the Board

- *Primary role would be one of advice. Board was asked to identify areas where board's decision-making should be final.
- *Boards could appoint advisory boards.
- *Conflict of Interest would be expanded to include financial or personal compromise.

**Discipline*

- Process not changing. Petition and Notice models will be retained.
- Grounds for discipline would be expanded to include:
 - Physical/mental illness, deterioration or disability that impairs ability to practice
 - Knowingly disclosing a patient secret
 - Disruptive Behavior
 - Problem gambling that affects the profession
 - Dependence on mind-altering substances
 - Prescribing controlled substances to member of household
 - Failure to comply with laws
 - Fraud and forgery or misrepresentation of material facts in obtaining a license
- Letter of Concern would be eliminated.
- Revocation would be for all times.
- Definition of dependency will be changed to be consistent with DSM IV definition.
- Gross incompetence or negligence would be changed to serious acts of incompetence or negligence.
- Voluntary surrender would be eliminated.

Discussion followed on the proposed changes.

Timelines

- August 19 – agency staff will meet with AG's office representatives
- August 25 – all written comments on changed to UCA due
- August 31 – meeting of NCR Committee to discuss recommended changes to proposal
- September 16 – changes to practice acts due
- September 23 – new draft of UCA
- September 26 – public hearing in North Platte
- October 6 – public hearing in Omaha

Overview of TERCAP

Bowen presented an overview of the Taxonomy of Error and Root Cause Analysis Project. The project is being conducted by the National Council of State Boards of Nursing. Disciplinary practice cases were analyzed to develop this taxonomy. It is still being revised and refined.

4:06 p.m. meeting recessed.

The meeting reconvened at 8:30 a.m. on August 11, 2005.

Roll Call

The following members were present:

Marcy Echternacht, RN, President
Mary Megel, RN, Vice-President
Jacqueline Ross, RN, Secretary
Joyce Bunger, public member
Iris Winkelhake, RN
Mary Bunger, RN
Deanna Lloyd, LPN
Nancy Gondringer, RN
Sandra Mann, public member

The following member was absent:

Valerie Fredericksen, RN

A quorum of the Board was present and the meeting convened. Also present from the Credentialing Division was Charlene Kelly, RN, Executive Director; Sheila Exstrom, RN, Nursing Education Consultant; Ruth Schuldt, Compliance Monitor and Karen Bowen, Nursing Practice Consultant. Present from the Attorney General's office was Terri Nutzman, Assistant Attorney General. Present from the Investigations Division were Michael Grutsch, Marletta Stark, Peggy Persell, and Sharon Fritz

8:37 a.m.

3. M. Bunger made the motion seconded by J. Bunger **that the board go into closed session for the purpose of reviewing investigation reports.**

Voting Aye: Echternacht, Megel, Ross, M. Bunger, J. Bunger, Gondringer, Mann, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Fredericksen. Motion carried.

9:30 a.m. The board recessed. Persell and Fritz left the meeting.

9:45 a.m. The meeting reconvened.

10:35 a.m. The meeting recessed. Gondringer left the meeting.

10:40 a.m. The meeting reconvened.

11:00 a.m. Ross left the meeting.

11:22 a.m. Ross returned to the meeting.

11:50 a.m. The board came out of closed session. Stark, Schuldt and Grutsch left the meeting.

Based on discussion held in closed session, the board made the following motions:

Nancy Jensen

4. Winkelhake made the motion seconded by Megel **that the board reinstate Nancy Jensen's RN license on probation for five years. Terms and conditions of probation will include: abstain from alcohol, abstain from controlled substances, report all prescription medications taken, submit to random body fluid screens, comply with treatment recommendations, participate in 2 NA, AA, or other support group meetings a week, active practice (minimum of 130 hours/quarter), maintain contact with an AA sponsor and the usual terms and conditions.**

Voting Aye: Echternacht, Megel, Ross, M. Bunger, J. Bunger, Gondringer, Mann, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Fredericksen and Gondringer. Motion carried.

Terri Boyer

5. Winkelhake made the motion seconded by Mann **that the board notify Terri Boyer of their intention to deny reinstatement of her RN license.**

Voting Aye: Echternacht, M. Bunger, J. Bunger, Gondringer, Mann, Lloyd and Winkelhake. Voting Nay: none. Abstain: Megel and Ross. Absent: Fredericksen and Gondringer. Motion carried.

Savitri Harrington

6. M.Bunger made the motion seconded by Megel **that the board issue Savitri Harrington a probationary LPN license by examination. The period of probation will be two years. The conditions of probation will include abstain from alcohol, abstain from controlled substances, verification from treating practitioner of all**

prescription medications, report all prescription medications taken, submit to random body fluid screens participate in 2 NA, AA or other support group meetings, active practice (a minimum of 130 hours per quarter) and the usual terms and conditions.

Voting Aye: Echternacht, Megel, Ross, M. Bunger, J. Bunger, Gondringer, Mann, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Fredericksen and Gondringer. Motion carried.

Jennifer Hawkins

7. M. Bunger made the motion seconded by J. Bunger **that the board grant Jennifer Hawkins an unencumbered LPN license pending successful completion of NCLEX-PN®.**

Voting Aye: Echternacht, Megel, Ross, M. Bunger, J. Bunger, Gondringer, Mann, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Fredericksen and Gondringer. Motion carried.

12:00 p.m. The Board recessed briefly for lunch.

The board discussed arrangements for the next meeting which will be held at Lied Lodge at Arbor Day Farm in Nebraska City. The meeting will begin at 8:30 a.m.

Those who attended the National Council of State Boards of Nursing annual meeting in Washington D.C. August 2-5, 2005 gave an overview of events, discussion and actions taken by the Delegate Assembly.

Scott Dutra

Scott Dutra appeared before the board to satisfy a condition of reinstatement from suspension of his license.

Major decisions and actions taken during the meeting were summarized.

- Adoption of the position paper, “Clinical Instruction in Prelicensure Nursing Programs.
- Adoption of the proposed “model Process for Criminal Background Checks” and supporting paper.
- Adoption of the proposed Model Act and Rules for Delegation and Nursing Assistant Regulatory Model and the Delegation Position Paper.
- Passed a resolution that NCSBN immediately generate and publish a strongly worded unambiguous public position statement in response to guidelines from the Federation of State Medical Boards.

Adjournment

The meeting adjourned at 12:40 p.m.

Respectfully Submitted,

Jacqueline Ross, Secretary